

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

vs.

CASE NO. 3:99CR00344-012 (PG)

LUIS A. NAZARIO-RODRIGUEZ
A.K.A. "Peluca"
* * * * *

MOTION NOTIFYING VIOLATIONS OF
SUPERVISED RELEASE CONDITIONS AND THE REQUEST
FOR THE ISSUANCE OF A WARRANT

TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, Martín De Santiago, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of releasee, Luis A. Nazario-Rodriguez, who on July 13, 2001, was sentenced to forty-six (46) months of imprisonment and three (3) years supervised release with special conditions of drug testing, and substance abuse treatment, if warranted, as well as financial disclosure. On May 16, 2003, he was released from custody and his three-year supervised release term began.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE
AS FOLLOWS:

Since his release from custody, the offender has violated the following supervision conditions:

1. CONDITION NO. 2 - "YOU SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH."

The offender has been tardy in submitting his monthly supervision reports for the months of June and July 2004. The monthly supervision reports for September and October 2004 have not been received as of this date. Mr. Nazario-Rodriguez also failed to provide urine specimens on August 6 and 10; September 3, October 29, and November 8, 2004.

2. CONDITION NO. 7 - "YOU SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN."

The offender tested positive to morphine and marijuana on April 26 and 28, 2004. Subsequently, he was placed in an intensive drug testing program and referred to one of our contracted drug treatment providers. He further admitted to drug use during a field contact on October 25, 2004. Additionally, on November 5, 2004, the offender tested positive to morphine.

3. SPECIAL CONDITION - "IF ANY DRUG TEST SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN A SUBSTANCE ABUSE PROGRAM ARRANGED AND APPROVED BY THE PROBATION UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE U.S. PROBATION OFFICER."

The offender was referred to one of our out-patient substance abuse treatment providers on April 26, 2004. His attendance has been extremely poor.

WHEREFORE, it is respectfully requested, unless ruled otherwise, that a warrant of arrest be issued so that the offender may be brought before this Court to show cause why his supervision

term should not be revoked. Thereupon, he be dealt with pursuant to law.

In San Juan, Puerto Rico, this 15th day of November 2004.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Martin De Santiago
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CERTIFICATE OF SERVICE

I HEREBY certify that on November 15, 2004, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

José A. Ruiz-Santiago, Assistant U.S. Attorney, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participant:

Mr. Luis A. Nazario-Rodríguez, F-6 5th Street, Urb. Hermanas Dávila, Bayamon, P.R. 00959.

In San Juan, Puerto Rico, this 15th day of November 2004.

s/Martin De Santiago
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